

12-27-01

A

Please type a plus sign (+) inside this box



PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 05213-0652 (43170-266942)

Inventors Robert J. D'Amato

Title Amino Derivatives of EM-138 and Methods of Treating Angiogenesis W  
Same

Express Mail Label No. EL 910716815 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 39 ]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the invention  
- Brief Summary of the invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5 ]
5. Oath or Declaration [Total Pages 1 ]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS**

TO:

U.S. Patent and Trademark Office  
Box Patent Applications  
P.O. Box 2327  
Arlington, VA 22202

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other:

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 545,139

Prior application information: Examiner Goldberg, J.

Group / Art Unit: 1614

Recite complete dependency back to first parent application: See Addendum 1

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

23370

PATENT TRADEMARK OFFICE

Name (Print/Type)	Jeffery B. Arnold, Esq.	Registration No. (Attorney/Agent)	39,540
Signature		Date	December 19, 2001

ATLLIB02# 65343.1

### ADDENDUM 1

This application is a continuation of U.S. Serial No. 09/545,139, filed on April 7, 2000, which is a divisional application of U.S. Serial No. 08/950,673, filed October 16, 1997, now U.S. Patent No. 6,071,948, which is a continuation application of U.S. Serial No. 08/468,792, filed June 6, 1995, now U.S. Patent No. 5,712,291, which is a continuation application of U.S. Serial No. 08/168,817, filed December 15, 1993, now U.S. Patent No. 5,629,327, which is a continuation-in-part of U.S. Serial No. 08/025,046, filed on March 1, 1993, now abandoned.

FOIA b7 - D

**FEE TRANSMITTAL**Attorney Docket No. **05213-0652 (43170-266942)**

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): **Robert J. D'Amato**  
 Filing Date: **Concurrently herewith**  
 Title: **AMINO DERIVATIVES OF EM-138 AND METHODS OF TREATING ANGIOGENESIS WITH SAME**

The filing fee is calculated as shown below:

**1. FILING FEE:**

		SMALL ENTITY		LARGE ENTITY	
FOR:		FEE	FEE PAID	FEE	FEE PAID
<input checked="" type="checkbox"/> UTILITY FILING FEE		\$370	370.00	\$740	
<input type="checkbox"/> DESIGN FILING FEE		\$165		\$330	
<input type="checkbox"/> PLANT FILING FEE		\$255		\$510	
<input type="checkbox"/> REISSUE FILING FEE		\$370		\$740	
<input type="checkbox"/> PROVISIONAL FILING FEE		\$80		\$160	
SUBTOTAL (1)			\$370.00		\$

**2. CLAIMS:**

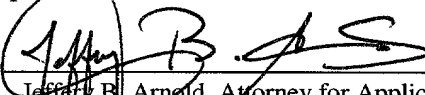
		SMALL ENTITY			LARGE ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	46 - 20 =	26	x 9 =	234.00	x 18 =	
INDEP. CLAIMS	2 - 3 =	0	x 42 =	0	x 84 =	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =		+280 =	
SUBTOTAL (2)				\$234.00		\$

**3. ADDITIONAL FEES:**

		SMALL ENTITY		LARGE ENTITY	
FOR:		FEE	FEE PAID	FEE	FEE PAID
<input type="checkbox"/> LATE FILING, FEE OR OATH		\$65		\$130	
<input type="checkbox"/> NON-ENGLISH SPECIFICATION		\$130		\$130	
<input type="checkbox"/> OTHER					
SUBTOTAL (3)			\$0		\$

**TOTAL FILING FEE: \$604.00**A check is enclosed for the total amount: **\$604.00**☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0855.

KILPATRICK STOCKTON LLP  
 1100 Peachtree Street  
 Suite 2800  
 Atlanta, Georgia 30309-4530  
 Telephone: 404-815-6500

By:   
 Jeffrey B. Arnold, Attorney for Applicant  
 Reg. No. 39,540

Date: December 19, 2001